

1 **47. ISSUE: INAPPROPRIATE TERMINATION BY DAVID HENDERSHOTT OF AN**
2 **INTERNAL AFFAIRS INVESTIGATION RELATING TO THE ADEQUACY OF**
3 **SEX CRIMES OR OTHER INVESTIGATIONS PERFORMED BY MCSO FOR**
4 **THE EL MIRAGE POLICE DEPARTMENT – SUBJECT: HENDERSHOTT**
5

6 **Chief Deputy David Hendershott**

7
8 H42A. Allegedly, MCSO Lt. Bruce Tucker had commenced an Internal Investigation,
9 MCSO IA No. 08-0080, upon receipt of a complaint from the El Mirage Police
10 Department, relating to the adequacy of Sex Crimes Investigations by MCSO,
11 which had been contracted by the El Mirage Police Department to conduct such
12 investigations. Tucker was subsequently reassigned from Internal Affairs to the
13 General Investigations Division, where he was under the supervision of Captain
14 Steve Whitney and Lt. Hank Brandimarte, and worked with then-Sgt. Kim
15 Seagraves. Tucker considered all three individuals to be possible principals,
16 among others, in the misconduct investigation. In 2009, when Lt. Tucker
17 brought to Chief Deputy David Hendershott's attention that he had the
18 investigation, Tucker informed Hendershott that the investigation suggested
19 possible policy violations on the part of Whitney, Brandimarte and Seagraves,
20 among others, and it would be difficult to continue conducting the investigation
21 given his new reporting relationships in GID. Hendershott instructed Tucker to
22 stop the investigation. The IA investigation was not reassigned, and Tucker
23 turned in his investigative materials upon his retirement in December 2009.
24 Since Hendershott was placed on Administrative Leave in September 2010, in
25 connection with the present administrative investigation, the IA investigation
26 relating to the adequacy of the sex crimes investigations, which had been
27 conducted by MCSO for El Mirage, has been reopened.
28

29 **DOCUMENTARY EVIDENCE**

30
31 **Exhibit V1. All Files from IA 08-080 Admin from GID old**

32
33 This documentation pertains to the investigation that had been started by Bruce Tucker
34 of the alleged inadequacy of the MCSO investigation of sex crimes, which originated
35 with the El Mirage Police Department. Contained in the documentation are lists of the
36 status of various cases, and the deficiencies noted in the various MCSO sex crimes
37 investigations. There were also various notices of investigation relating to the
38 truthfulness of Deputy John Sexton.
39

40 **Exhibit V2. Case Logs, Agendas and Spiwak Notes**

41
42 Among the items on a CD of documents provided by Bruce Tucker was the case activity
43 log for Internal Affairs investigation #08-080, investigation relating to possible
44 incompetence by the General Investigations Division, Sex Crimes, related to assigned
45 cases originating with El Mirage Police Department. This case activity log sets forth the

1 series of events, from the time that Tucker became involved, on May 12, 2008 through
2 July 31, 2009, when Tucker was instructed by Chief Hendershott to place the
3 investigation on hold. What follows is a condensed chronology of what occurred in the
4 investigation, according to the Lieutenant Bruce Tucker's case activity log.

- 5
6 • May 12, 2008. The investigation was turned over by Sergeant Luth to Tucker.
- 7
8 • May 20, 2008. Tucker met with Chief Freeman and received instructions about
9 the investigation. Freeman was the Chief over the General Investigations
10 Division, and basically told Tucker to determine if sex crimes cases were not
11 worked when they could have been and should have been. Freeman suggested
12 that Tucker begin the investigation with Captain Whitney, and then work
13 downward.
- 14
15 • June 3, 2008. Tucker interviewed Captain Steve Whitney.
- 16
17 • June 5, 2008. Tucker interviewed Lieutenant Hank Brandimarte.
- 18
19 • June 18, 2008. Tucker conferred with Chief Freeman, about Tucker's concern
20 with identifying Lieutenant Kim Seagraves as an investigative lead as opposed to
21 a principal. Freeman indicated that absent the information that Seagraves had
22 violated policy, she was to be identified as an investigative lead until such time
23 that information suggests that she had violated policy.
- 24
25 • June 23, 2008. Tucker conducted a recorded interview of Lieutenant Kim
26 Seagraves.
- 27
28 • June 24, 2008. Tucker met with Chief Freeman to brief him about the interview
29 of Seagraves. Tucker told Freeman that Seagraves took actions "when realizing
30 the DRs were not being sent to the SVU," and that she had a general list of
31 cases from El Mirage, but not a specific list of cases turned over to El Mirage.
- 32
33 • July 14, 2008. Bruce Tucker on this date met with Chief Freeman and Chief
34 Knight, after he completed the combined table of cases that may have been
35 submitted to MCSO Sex Crimes Unit for investigation from El Mirage. A total of
36 188 cases were referenced and the Chiefs agreed with Tucker's plan to pull all
37 the case for review of their content and the actions taken. Tucker later
38 concluded that he had duplicates, and that he only needed to pull 135 cases.
- 39
40 • July 17, 2008. Tucker attended a meeting at the General Investigations Division,
41 with Chiefs Freeman and Knight and other personnel present, and they
42 discussed the current administrative investigation being conducted at the
43 divisional level regarding the Special Victims (Sex Crimes) Unit, which was
44 conducting investigation on cases back through 2005. He learned at that time

1 that there was "not a real tracking system of any kind regarding the cases
2 assigned to unit."

- 3
- 4 • August 13, 2008. Chief Freeman advised Tucker that Detective Ward and
5 Detective Weege had submitted resignations, effective August 13, 2008. Tucker
6 was asked to interview Ward and Weege, who by then were former employees,
7 having resigned, as soon as possible.
- 8
- 9 • August 20, 2008. Tucker began reviewing the text messages on the cellular
10 telephones of Ward and Weege. By this time, Tucker had also requested the
11 emails of Ward and Weege through Chief Bunn.
- 12
- 13 • August 27, 2008. Tucker finished review of the emails, which did not provide
14 information directly relating to the issues. He did see emails that Seagraves had
15 told Weege, in an email, "I've got your back," and also sent an email to Weege in
16 which he stated, "Hating the fact that IA is on their way to talk to me."
- 17
- 18 • December 1, 2008. Sergeant Lugo and Lieutenant Tucker were transferred to
19 the Organizational Development Bureau.
- 20
- 21 • July 31, 2009. Up to this date, Bruce Tucker had been reviewing the sex crimes
22 reports, logs and other documentation, and requesting additional documentation.
- 23
- 24 • July 31, 2009. Tucker's entry in the case activity log for July 31, 2009 was as
25 follows.

26 I attended a meeting with Chief Hendershott. After the meeting at
27 approximately 1430 hours, I was driving Chief Hendershott back to the
28 Well Fargo building when he advised me that he wanted to move me to
29 work with the attorneys defending the MCSO on the civil lawsuit by
30 Dowling. He asked me what might be impacted by such a move and I
31 explained that I was tasked with this IA investigation. He asked me about
32 the IA and what information had been learned thus far. I provided
33 answers regarding such information and he advised me that he wanted this
34 investigation placed on hold and to focus my attention and energy to the
35 lawsuit.
36

37 38 **WITNESS ACCOUNTS**

39 40 **Scott Freeman**

41
42 Freeman indicated that after he had left the El Mirage Police Department, for which he
43 had been working on a contract basis through MCSO, he had a meeting with the
44 incoming Chief, Mike Frasier. Don Schneidmiller was also present at that meeting.
45 Freeman provided information as to what Frasier could expect from MCSO, that the

1 pending cases that had been under investigation by MCSO would be finished by
2 MSCO, and MCSO would provide a summary of the status of the balance of the cases.
3 Freeman in turn passed on this instruction to the General Investigations Division.

4
5 Several weeks later, Freeman received a call from Mike Frasier, saying, "Hey, what I
6 got was a bunch of crap," and basically complaining about the MCSO investigations that
7 had been done for El Mirage. (p. 2, Exhibit II14b). Among other things, Frasier
8 indicated that there had been a number of cases that hadn't been worked, or had been
9 dumped for whatever reason, and not pursued. There were valid leads and in a number
10 of cases and investigative tasks that should have been done.

11
12 Freeman went back to the General Investigations Division and met with Steve Whitney
13 and Hank Brandimarte, and Kevin Riddle may also have been a part of that meeting.
14 Freeman gave them orders "to get the mess cleaned up," and make sure that the
15 information that MCSO had provided on the investigations was accurate. They started
16 to look into the situation, and found that there were a number of cases that hadn't been
17 worked properly, perhaps hundreds of cases, and not just those for El Mirage.
18 Ultimately, MCSO ended up re-opening in excess of 400 sex crimes cases over a
19 period of a number of years. According to Freeman, Kim Seagraves was the Sergeant
20 in charge during a portion of the time period when the cases weren't being handled
21 properly. The inadequate investigations had taken place over a period of approximately
22 three to four years, and was not exclusive to El Mirage cases.

23
24 Freeman told Whitney and Brandimarte that he wanted a complete investigation into
25 this situation, and it was around that time that Kim Seagraves made a complaint of
26 sexual harassment against the Lieutenant, Hank Brandimarte. As Freeman put it,
27 "What I told Whitney and Brandimarte was that I wanted to find out what the hell was
28 going on here and I didn't care whose ass was on the line. Heads were going to roll
29 over this." (p. 3, Exhibit II14b). Brandimarte started the investigation, in an effort to
30 determine what the extent was of the problems with the MCSO sex crimes
31 investigations, and then Seagraves and Mary Ward made the allegations of sexual
32 harassment by Brandimarte. At that point, Brandimarte stopped the investigation, and
33 MCSO opened an IA investigation on him on sexual harassment charges. Brandimarte
34 was then moved out of the General Investigations Division.

35
36 According to Freeman, Internal Affairs, at the conclusion of the investigation on Hank
37 Brandimarte on charges of sexual harassment of Kim Seagraves, then started an
38 investigation into the inadequacies of the sex crimes investigations by MCSO for El
39 Mirage. The findings of the investigation of sexual harassment by Brandimarte were
40 sustained, and he received a 40 hour suspension for misconduct, according to
41 Freeman. Brandimarte is presently a Lieutenant, and working in Court Security.

42
43 When Brandimarte was pulled off the investigation of the inadequacy of the sex crimes
44 investigations, that investigation was reassigned to Cpt. Penny Babb, Lt. Kevin Riddle
45 and Lt. Rich Burden. (Both Penny Babb and Kevin Riddle are currently retired.)

1 According to Freeman, they started going through all the cases that had been done by
2 MCSO Sex Crimes for El Mirage. He believes that the inquiry by Babb, Riddle, and
3 Burden was contemporaneous with the IA investigation of the inadequacy of the sex
4 crimes investigations. According to Freeman, Bruce Tucker was in IA at the time, and
5 he had the case "for a long time." Babb, Riddle and Burden were looking at the issues
6 from the standpoint of identifying the problems and fixing them (a "remedial"
7 investigation), while Tucker in IA was looking at the situation from the standpoint of
8 whether there had been misconduct, negligence or incompetence.

9
10 According to Freeman, Bruce Tucker worked on the IA investigation for, again "a long
11 time," and Freeman did not know where the investigation stalled. As to the "remedial"
12 investigation, according to Freeman, Babb, Riddle and others worked on the matter for
13 months and months, and another five or six Detectives were brought in to help get the
14 work cleaned up. They re-opened cases, conducted interviews, obtained and served
15 search warrants, made arrests, and essentially cleared up all of the cases.

16
17 When asked whether he had had discussions with Babb, Riddle and Burden, and
18 Brandimarte before them, about who is responsible and why the investigations
19 appeared to be inadequate, Freeman's response was as follows.

20
21 A: I was completely appalled at this. I don't have any idea what led to this
22 other than, as they were clearing up cases, as they found out that one Detective
23 who had worked in there, and, I'm sorry, I can't remember his name, was
24 transferred out. He took a box like that, 50 or 60 cases home with him in his
25 garage and they sat there for a year till we started going back through. And
26 where's the accountability on all of this stuff? We had 2 Detectives in that unit
27 quit because we were looking at them and they're working for Goodyear PD now.
28 (P. 7, Exhibit II14b)

29
30 Freeman indicated that the conduct of the two Detectives who resigned was called into
31 question. These individuals are Mary Ward and a male Detective, whose name
32 Freeman could not recall. Both Ward and the male Detective reported to Kim
33 Seagraves at the time.

34
35 Freeman indicated that the inadequate investigations had occurred when Kim
36 Seagraves was the Sergeant and during the supervision of her predecessor, Sgt. Don
37 Harvey, who is retired. It also occurred under Lt. Hank Brandimarte and his
38 predecessor, whose name Freeman could not recall. Freeman also thought that there
39 was another Sergeant between Harvey and Seagraves, during the time frame when the
40 inadequate investigations had been conducted by the Sex Crimes Unit.

41
42 Freeman was informed that Bruce Tucker had provided information to the PCSO team
43 that he did start an IA investigation in 2008, and that he interviewed, among others,
44 Whitney, Brandimarte and Seagraves. Tucker had also reported to the PPCSO team
45 that in mid-2009, when he was with Chief Hendershott, Hendershott told him to stop the

1 investigation. By this point in time, Tucker had transferred out of IA and was in the
2 chain of command of Whitney, Brandimarte and Seagraves. Tucker also informed the
3 investigative team that in December of 2009, when he retired, he dropped off at IA
4 several boxes of investigative materials on his IA investigation on the Sex Crimes Unit.

5
6 Freeman recalled that, in that time frame, Terry Young was the Deputy Chief over
7 Internal Affairs, and Terry Young and Kim Seagraves were married. Freeman
8 acknowledged that he, Young and Seagraves are good friends.

9
10 According to Freeman, shortly after Tucker's retirement, Freeman told Terry Young that
11 the IA case needed to be finished, but Freeman did not feel that IA should complete the
12 investigation, because persons were going to say that Young was covering for his wife,
13 because she was a subject in the investigation. Freeman believed that Young had a
14 discussion with Hendershott at that point. Freeman advises that Terry Young was
15 definitely aware of the IA investigation, but he was in agreement with Freeman that it
16 would not look good for Internal Affairs, which was in Young's chain of command, to be
17 conducting an investigation in which his wife was a principal.

18
19 When asked what the action plan was, in light of this predicament, Freeman said that
20 Young was going to talk to Dave Hendershott about it. Freeman believed that Young
21 did indeed do so, but he does not remember, he says, what Hendershott's specific
22 responses were. When asked if Freeman himself had spoken to Hendershott about the
23 investigation, Freeman said, "At that point, I don't know if I did or not." (p. 11, Exhibit
24 II14b) When asked if Young had reported back to Freeman about his discussion with
25 Hendershott, Freeman's response was, "I think so, but I'm not sure. I mean, Terry and
26 I talk all the time...." (p.11, Exhibit II14b)

27
28 When asked again what Young reported back to Freeman about Young's discussion
29 with Hendershott, Chief Freeman's response was as follows.

30
31 A: You know, I, I can't remember Terry giving me a specific response as to
32 what Dave said. I can tell you that I know there was some concern regarding an
33 upcoming murder trial. David Anthony, who murdered his wife and two children
34 a few years ago. I don't know if you remember the case, but it was a pretty big
35 deal here. Bodies were recovered years later out in Buckeye. He's getting a new
36 trial. Kim Seagraves is the remaining case agent. I know there was some concern
37 and I can't tell you who voiced it, that if, cause I just don't remember, that if Kim
38 Seagraves were found to have been incompetent in her case management and
39 whatnot, that that would be a problem, undoubtedly, for that Homicide retrial. (P.
40 11, Exhibit II14b)

41
42 Again, Freeman indicated that he did not remember who had expressed the concern
43 about conducting the IA investigation, in light of the fact that Kim Seagraves was the
44 remaining case agent in the David Anthony case. Freeman agreed that the concern
45 was that the credibility of Seagraves testimony might be called into question if there

1 were issues raised about her investigative abilities or ability to manage investigations.
2 (p. 11, Exhibit II14b).

3
4 When asked again if he had any conversations with Hendershott, in the aftermath of
5 Tucker's retirement, Freeman stated, "If I did, I don't remember it." He suggested that
6 he may have reminded Hendershott that the cases still needed to be worked, but he
7 does not remember doing so. (p. 12, Exhibit II14b)

8
9 When asked about the pending status of the IA investigation, Freeman explains that it
10 was still housed in Internal Affairs, and that after the present investigation was started
11 by PCSO, Jerry Sheridan, Interim Chief Deputy, became aware of the case and ordered
12 that the IA investigation be completed. According to Freeman, he did not believe that
13 there had been any work done on the IA investigation between the time that Tucker
14 terminated his investigation on the IA, and when Jerry Sheridan became aware that the
15 IA had not been completed, which was after the PCSO investigation commenced.

16
17 As of the time of the interview, January 5, 2011, Freeman did not know whether or not
18 the IA investigation had been reopened in accord with instructions from interim Chief
19 Deputy Jerry Sheridan. When asked how Sheridan learned of the open IA, Freeman
20 acknowledged that he personally reminded Sheridan that the investigation existed, and
21 had not been completed. This was around the same time that Freeman had brought to
22 Sheridan's attention that the 2005 investigation of the SWAT team had also not been
23 completed.

24
25 Freeman indicated that he never spoke with Hendershott about Hendershott's
26 discussions with Bruce Tucker relating to the Internal Affairs investigation. Freeman
27 acknowledged that the Internal Affairs investigation on the adequacy of the sex crimes
28 investigations was a situation where "the ball got dropped." (p. 14, Exhibit II 14b)

29
30 Chief Freeman was asked whether, based on the information he had received, there
31 appeared to have been inadequate management of the Detectives by Kim Seagraves.
32 His response was as follows.

33
34 A: Without knowing all of the information, that was my opinion, was that she
35 had dropped the ball. Maybe not entirely her, but as the Sergeant, I was
36 disappointed in what was happening under her command. (p. 15, Exhibit II 14b)

37
38 Q: And what, specifically, based on what you had gathered, had she not
39 handled in an appropriate way?

40
41 A: Wow. When Detectives, aren't even sure how many cases they have and
42 what's open, and their supervisor doesn't know, and how a Detective that works
43 for you can disappear with 60 cases and you not know it, those kinds of things
44 really disappoint me.
45

MCSO Investigation No. M081710, Principals: Hendershott, Black and Fox
Report of Administrative Investigation by PCSO
April 11, 2011

1 Q: So, there are, inadequate supervision was the issue.

2
3 A: Um-hum.

4
5 Q: Did you ever speak with her personally about her handling of the sex
6 crimes cases in this timeframe?

7
8 A: No, I didn't. (pp. 15-16, Exhibit II 14b)
9

10 **Ken Holmes**

11
12 Holmes indicated that after he left the El Mirage Police Department in October of 2009,
13 and had been assigned to the Criminal Investigations Division, he was told by Chief
14 Scott Freeman that there had been many sex crimes cases worked by MCSO for El
15 Mirage, that had not been worked on for a long period of time. An investigation on the
16 Sex Crimes Unit had been started. He understood that there was an investigation done
17 to figure out how to get things back in order and complete the investigations, and there
18 was an IA investigation relating to the conduct of the Sex Crimes Unit personnel
19 involved. He was not involved in either of the investigations.
20

21 At the time that Bruce Tucker retired in late 2009, he brought in the boxes of materials
22 that related to his IA investigation of the Sex Crimes Unit. Holmes spoke briefly with
23 Bruce Tucker at that time about the investigation, and learned that Tucker had focused
24 on several individuals who had left by the time of the investigation, including Mary Ward
25 and a Deputy named Weege. There were also implications, according to what Holmes
26 recalled of Tucker's comments, that Kim Seagraves, the Sergeant at the time, may have
27 had some involvement as well, because she was the supervisor of the unit. By the time
28 that Holmes talked with Bruce Tucker, toward the end of 2009, about the IA
29 investigation of the Sex Crimes Unit, Kim Seagraves was already married to Deputy
30 Chief Terry Young, who was the Chief over Internal Affairs, and to whom Holmes
31 reported.
32

33 After speaking with Tucker, while conversing with Chief Young, Holmes pointed to the
34 box or boxes of materials that Tucker dropped off, and told Young that it had to do with
35 the IA investigation of the Sex Crimes Unit. At that time, Young made comments like,
36 "We're not going to deal with that," because Young considered himself to have a conflict
37 of interest since he was supervising Internal Affairs. Young said that he was going to
38 get with Freeman and determine what they were going to do with the investigation.
39

40 According to Holmes, Kim Seagraves was involved in the investigation of David
41 Anthony, and was the lead investigator. He believes that Bruce Tucker may have
42 mentioned that Kim Seagraves was the lead investigator on the case.
43

44 According to Holmes, Chief Young understood that Kim Seagraves might be a principal
45 in the IA investigation of the Sex Crimes Unit.

1
2 Holmes does not know if Terry Young spoke with Scott Freeman about what they were
3 going to do with the Sex Crimes investigation. He does not recall ever receiving any
4 input from Young as to whether he had spoken with Freeman or Hendershott or anyone
5 else about the matter.

6
7 According to Holmes, nothing was done on the IA investigation of the Sex Crimes Unit
8 until recently, and it remained in the storage area until November of 2010. Prior to the
9 time that Young retired, and started working for the Surprise Police Department, Holmes
10 brought up with Young again what they were going to do with the investigation, and as
11 Holmes recalls the discussion, Young indicated that he still needed to get together with
12 Scott Freeman. Subsequently, Holmes spoke directly with Freeman, and Freeman told
13 him that the investigation was not going to recommence until after Terry Young had
14 retired and left MCSO. He believes that that conversation would have been around the
15 middle of November 2010.

16
17 Holmes was aware that there had been issues between Kim Seagraves, when she was
18 a Sergeant and Lieutenant Hank Brandimarte, who was Seagraves' supervisor when
19 Seagraves was supervising the Sex Crimes Detectives. An investigation of
20 Brandimarte's conduct toward Kim Seagraves was possibly conducted by IA, or it may
21 have been done by Captain Steve Whitney, and it was a divisional investigation as
22 opposed to an IA investigation. Holmes understood that the allegations against
23 Brandimarte were sustained, and subsequently Brandimarte was transferred out of CID.
24 After Young retired, the investigation of the Sex Crimes Unit recommenced, and was
25 assigned to Sergeant Brad Licking, based on a directive from interim Chief Jerry
26 Sheridan. As of the time of the second interview of Captain Holmes, on January 5,
27 2011, the IA investigation was pending. Holmes did not believe that Kim Seagraves has
28 been specifically identified as a principal in the investigation, or has been interviewed as
29 a principal by Brad Licking. Holmes added, "She may have some implication to it as a
30 result of possibly just some negligent supervisory issues as a result that none of the
31 cases were cleared, or she just didn't go over the cases thoroughly. That would be the
32 extent of it as far as I know, at this point." (p. 18, Exhibit II19b)

33
34 As to the specific involvement of Kim Seagraves, in the issues relating to the Sex
35 Crimes Unit, Holmes comments were as follows.

36
37 A: It just, it appears that what happened, as I understand it, I mean, you've
38 talked to some others that have some better knowledge of this at this point and
39 time, but, it was Steve Whitney who had, had, who had just taken over GID had
40 looked at the large amount of cases that Sex Crimes had and had made a request
41 to Kim Seagraves to work those cases and get them cleared up. She had sent out
42 some emails to the Detectives that I mentioned earlier, as far as, you know, let's
43 work on the cases and clear it up. And if the cases were needed to be inactivated,
44 they needed to be inactivated. What happened, as, as I'm understanding is, that
45 many of the cases were just exceptionally cleared, and she just went ahead and

1 signed off on them and certainly, what she did is she lessened the case load down
2 to something that was at least acceptable to Captain Whitney. And therein lies the
3 problem. Apparently, many of the cases that were cleared or exceptionally
4 cleared, were the ones that needed to be worked and just hadn't been worked. So,
5 you know, whether she knows or didn't know or, you know, she, she sent out the
6 directive and the email is pretty clear that, you know, if the cases can't be worked,
7 you know, let's clear them up, let's inactive them, at least at this point and time, if
8 there's no more leads to follow up on. (p. 18, Exhibit II19b)

9
10 **Bill Knight**

11
12 In 2008, Bruce Tucker was in charge of an investigation into the alleged inadequacy of
13 the Sex Crimes Unit investigations conducted by MCSO for El Mirage PD. Knight
14 explained that this was one of the investigations that was "swept under the carpet," by
15 Hendershott. A primary focus of that investigation would have been Kim Seagraves,
16 who at that time was a Sergeant in Sex Crimes and is now married to Terry Young.
17 When Seagraves left Sex Crimes, a massive audit was conducted of Sex Crimes.
18 Knight understood that Seagraves had been moved out of the Sex Crimes Unit because
19 there were concerns about the adequacy of her supervision of the El Mirage Sex
20 Crimes detectives. The audit started out internally at the divisional level and was
21 conducted by GID. The intention of the audit was to compile information and collect
22 data to assist in evaluating the status of the various open cases in Sex Crimes.

23
24 Knight explained that the chain of command in this time frame was: Executive Chief
25 Scott Freeman, Deputy Chief Knight, Captain Steve Whitney, Lieutenant Hank
26 Brandimarte and Sergeant Kim Seagraves. Once they started evaluating cases, they
27 decided to keep El Mirage cases which were close to closure, but cases which were not
28 close to completion were summarized and given back to El Mirage, along with the
29 documentation collected on the case up to that point. The initial analysis was started by
30 Brandimarte and Seagraves and when Seagraves left, she was replaced by Greg Lugo,
31 a former Jail Crime Sergeant, who had extraordinary analytical and organizational skills.
32 This analysis reflected that Sex Crimes Unit was turning over cases that had not even
33 been worked on by the unit, and that other case files were missing.

34
35 Secondary allegations arose during the audit of the Sex Crimes Unit and it came to light
36 that during their time together in Sex Crimes, Hank Brandimarte was allegedly going
37 through a messy divorce and had allegedly confided in Seagraves, which she ultimately
38 claimed were offensive, although she did not complain to Brandimarte at the time.
39 Seagraves, however, was keeping track of the offensive comments by Brandimarte in a
40 log. According to Knight, as the audit started to reflect that Seagraves had not been an
41 effective supervisor, she told Steve Whitney that she has been offended by
42 Brandimarte's behavior. An internal investigation was conducted by Whitney at the
43 divisional level into Brandimarte's behavior, and concluded that he was also guilty of
44 making inappropriate comments to Detectives in GID at luncheons as well, resulting in
45 Brandimarte getting disciplined, given a few days off and transferred out of Sex Crimes.

1
2 Greg Lugo and Bruce Tucker then continued with the investigation into the allegations
3 against Seagraves, but only one or two interviews were conducted when word came
4 down, possibly through Freeman or Hendershott, to terminate the investigation. At that
5 time, Seagraves was a co-case agent on the investigation in the Sandra Dowling case,
6 which was getting a lot of attention and Hendershott did not want negative information
7 about Seagraves becoming an issue in the Dowling investigation.

8
9 A: Well, the concern, as it was described to me was, is, we don't want
10 to name Kim Seagraves as a principal in a major investigation to where she
11 potentially was not paying attention in her duty assignment, in terms of managing
12 all these Sex Crimes cases. Given the fact that she was a co-case agent on a major
13 Sandra Dowling investigation. Let's not smear her while the office is potentially
14 going to get litigated against for all the issues going on in the Sandra Dowling
15 investigation. Because I think, ultimately, she [Dowling] ended up getting, what,
16 she pled to a misdemeanor, when we ended up charging her with 50 or 60
17 felonies, whatever the case may be.

18
19 Q: I think she was found guilty of a misdemeanor.

20
21 A: A misdemeanor. Like a class 3 misdemeanor or something. (p. 64,
22 Exhibit II21)
23

24 **Barry Roska**

25
26 Captain Roska spent a two week stint in IA, where he replaced Captain Miller, who was
27 retiring. Roska reported directly to Chief Hendershott, who was the person who actually
28 asked Roska to take over IA in the first place. Roska was honest with the Chief and told
29 him that investigation skills were not his strongest asset, but Miller's recommendation
30 was Roska. Chief Hendershott did not give Roska any instruction as to any particular
31 concerns he wanted addressed by Roska as the incoming Captain over IA.

32
33 When Captain Miller was preparing to leave, Cpt. Roska suggested that they meet to
34 discuss the unit, but Miller after spending 4 hours with Roska, getting him up to speed
35 on IA, Miller suggested Roska meet with his Lieutenants instead. Roska felt like Miller
36 was hands off at that point. Roska then spent some time with Lt. Kip Rustenburg and
37 Lt. Paul Ellis to get some additional information on the operations of the unit. Bruce
38 Tucker was also in the unit at the time, but there were discussions about where he
39 would be officed, possibly a private attorney's office, who was representing the County.
40 Roska also recalled that they were trying to make room for someone from the County
41 Attorney's Office to be officed on the 18th floor as well, but Roska could not recall who
42 the attorney was. Therefore, Roska focused on those he interacted with on a daily
43 basis and decided to deal with Tucker later, because Tucker seemed to be able to
44 function independently.
45

1 Roska could not recall having any specific concerns about IA investigations started but
2 not completed by Tucker, including investigation that had been conducted by the Sex
3 Crimes Detectives on behalf of the El Mirage Police Department. Captain Roska could
4 not recall having a conversation with Bruce Tucker before Tucker left MCSO about the
5 Sex Crimes investigations for El Mirage. According to Tucker's interview with the
6 investigative team, prior to Tucker leaving, Chief Hendershott allegedly told Tucker to
7 stop the investigation, but Roska could not recall having such a conversation with
8 Tucker.

9
10 According to Cpt. Roska, nobody came to him and told him about any investigations
11 that were getting old or "stale" and needed attention. Roska basically went through
12 Miller's desk and looked through paperwork to find out the status on certain cases. He
13 recalled that there was one case involving a maintenance worker bringing cigarettes
14 into the jail, that needed to be assigned, but could not recall any others that were
15 pending or needed attention.

16
17 When Cpt. Roska came back to IA, there was also conflict involving the two MACE
18 Sergeants, Brandon Luth and Rich Johnson whose squads had conflict basically
19 stemming from Sergeants, Luth and Johnson, who utilized different management styles.
20 During his short time in IA, Roska was not able to remedy their dispute.

21
22 Within two weeks of supervising IA, Roska was contacted by Chief Terry Young who
23 basically indicated to Roska that he was going to be replaced by Ken Holmes and sent
24 back to Patrol. Young apparently felt like Roska had not come out of the gates quickly
25 enough in his supervision of IA and had not been able to get a firm grasp on the status
26 of the open cases. Roska offered to be replaced, out of friendship and respect for Chief
27 Young, but was somewhat taken aback when Young actually replaced him with Ken
28 Holmes. Cpt. Roska felt like two weeks was not adequate enough time to get up to
29 speed on everything in IA, and asked Young if Chief Hendershott had approved the
30 transfer, which Hendershott had, so Roska knew the transfer would happen, regardless
31 of how Roska felt. Roska organized the desk for Holmes and took vacation days to
32 complete his 2 weeks in IA.

33 34 **Charles Siemens**

35
36 Siemens had some degree of familiarity with this IA investigation, since it was recently
37 re-opened, at the instruction of interim Chief Jerry Sheridan, and assigned by Ken
38 Holmes and Chuck Siemens to Sgt. Brad Licking. This case, bearing IA no. 08-080,
39 was initially investigated by Bruce Tucker, who was told by Hendershott to put the case
40 on hold. By the time that Tucker had stopped his investigation, he had interviewed
41 three individuals, Sgt. Kim Seagraves, Lt. Hank Brandimarte, and Cpt. Steve Whitney,
42 and had also collected a great deal of documentation, which was kept in 16 three inch
43 binders. The majority of the documentation was El Mirage departmental reports. The
44 work that Bruce Tucker had done was kept in two boxes, in the back room at IA, until
45 Sheridan ordered that the investigation be completed.

1
2 It would appear that Tucker had identified at least two principals, Mary Ward and a
3 Detective named Weege, who, according to Siemens, appeared to have been the worst
4 offenders. Both quit on the same day, and later began working at the Goodyear Police
5 Department. Siemens really formed no opinion, based on his limited exposure to the
6 case, as to the culpability of the supervisory personnel, Seagraves, Brandimarte and
7 Whitney, and whether they had exercised adequate supervision over the Detectives.
8 Brad Licking did indicate to Siemens that, from reviewing the documentation and,
9 emails and other documentation, that Kim Seagraves was the supervisor of the
10 Detectives in question.

11
12 **Bruce Tucker**

13
14 According to Tucker, this particular IA investigation, IA No. 08-0080, involved all of the
15 personnel in the Special Victims Unit (Sex Crimes Unit) and Tucker's job was to
16 determine what personnel had failed to conduct investigations as thoroughly as they
17 should have. However, in approximately the Spring of 2009, he was asked to stop the
18 investigation of the Sex Crimes Unit.

19
20 A: Ultimately, the basis for the termination of the investigation, or the halt of
21 the investigation, was, I had been asked to attend a meeting with the Chief Deputy
22 after I had left MACE or the Organized Crime Group, and gone to the General
23 Investigations Division, working for Steve Whitney. I had gone to the meeting
24 and I would estimate that it was the middle of 2009, perhaps April, May, I'm not
25 certain of the dates specifically. It may have been later, but I'm estimating that's
26 the time frame. I met the Chief Deputy at Wilenchik's Law Office, roughly
27 McDowell and 2nd Street, I think, in that range. Dennis Wilenchik to be specific.

28
29 Q: Sure.

30
31 A: And during the course of this meeting, we met with his entire legal staff,
32 including, I believe his brother and whatever attorneys he might have appointed to
33 work on this investigation, and there was a discussion that took place about
34 strategy and defending the Sheriff's Office and of course, Hendershott was
35 touting, you know, he was asking me questions, you know, during the course,
36 about my experience and things like that. Wilenchik and Hendershott were in, I
37 had told him that I was an Explorer and Hendershott made a big deal out of, you
38 know, what better representative of the Sheriff's Office than someone who had
39 started as a Boy Scout Explorer, etc. (P. 18, Exhibit II42a)

40
41 A: So, at the conclusion of this meeting he asked for me to drive him back to
42 the office. He sat in the front passenger seat of my issued vehicle, and as we were
43 driving back he was quiet and he asked me, at one point, where are you now?
44 And I said, I'm working for Steve Whitney over in General Investigations
45 Division. He said, you're not the Captain over there? I said, no, I'm not. Okay,

1 alright. What are you doing right now? I said well, I manage Jail Crimes and
2 Auto Theft. What's going to be impacted if I transfer you? And I said, well, the
3 only thing I could think of, I mean my work can be (inaudible) I think has been
4 used, or whatever, some term, like temporarily leave my assignment. And I said,
5 well, obviously my two units, Jail Crimes and Auto Theft, but I don't know why
6 the two other Lieutenants that I work with couldn't assume one of those units
7 each and move forward. Honestly, I was kind of excited, 'cause I didn't want to
8 work for Miller, or Whitney, I mean the way he was kind of treating me, and he
9 said, well, anybody else would be impacted, you know, everything, I said, well,
10 the only other thing I could think of, would be the Internal Affairs investigation
11 I'm working. Okay, which one is that? I said, well, it's the investigation of a sex
12 crimes unit and the failure to conduct investigation. Oh, okay. Well, how's that
13 going. I said, well I'm progressing. I mean I've got a lot to do on it yet. But, I'm
14 still progressing. I said, I've audited all the cases and now I'm narrowing down
15 my questions that I want to ask the principals and so on, and he said, well, do we
16 have anybody that looks like we've done something wrong? I said, no, I believe
17 we do. He said well, like who? I said, well, starting from the bottom, the
18 Sergeant on up. And he says, who's the Sergeant? Kim Seagraves. Oh, God
19 damn it. Kim Seagraves? I said, yeah. Well, she's the other one investigating the
20 Dowling thing with you, right? I said, yeah. That's correct. He says, well,
21 you've got problems there, right? Yeah, that's correct. Sorry, well stop the
22 investigation. Put it on your back burner, don't touch it. Put it away. Okay.
23 You're the boss. (P.19, Exhibit II42a)

24
25 Although Hendershott did not say this, Tucker surmised that Hendershott wanted the
26 Sex Crimes Unit investigations stopped because it might impact the Dowling case, on
27 which Seagraves (and Tucker) had been the principal investigators.

28
29 Tucker felt that apart from the Special Victims unit detectives, Cpt. Whitney, Lt.
30 Brandimarte and Sgt. Seagraves were possible principals in the investigation. There
31 was an issue with an instruction that had been given from command to the Detectives to
32 "basically just close their cases." There were other issues regarding communications,
33 allegations of sexual harassment against Brandimarte by Seagraves, and as Tucker
34 termed it "just a whirlwind of allegations and misconduct." (p. 20, Exhibit II42) Tucker
35 believes that violations of policy potentially could have been sustained as to Seagraves,
36 Brandimarte and Whitney. Among the documents provided by Tucker was the case
37 activity log he had created for the investigation of the Sex Crimes Unit.

38
39 Tucker indicated that a week prior to the subject interview, which occurred on
40 November 18, 2010, he received a call from MCSO Sergeant Brad Licking in IA, asking
41 about the Sex Crimes case. The Sergeant asked him about the case itself, and he told
42 the Sergeant to look in the box of documents and binders, as well as a CD, that he had
43 left in IA when he retired in December 2009. Tucker indicated that Licking was
44 recording the conversation with Tucker. Tucker understood that Licking had been
45 assigned to reopen the IA investigation that Tucker had started, but Hendershott told

1 him to stop. Tucker provided his thoughts to Licking about the investigation, and where
2 he had been heading in his inquiry.

3
4 When asked to described the issues in the IA case.

5
6 A:Ultimately, the Sheriff's Office had, at one point in time a contract with
7 the City of El Mirage to provide law enforcement services. That included
8 investigative services. At one point in time that contract came to a conclusion and
9 an instruction was given to turn over open cases to El Mirage. That included sex
10 crimes cases. El Mirage reviewed the cases that were turned back over to them
11 from the Special Victims Unit and then concluded from their review that a lot of
12 the cases were either not investigated at all or were investigated and kind of short
13 term of, and then that investigation, subsequently the El Mirage Police
14 Department someone over there had drawn a written document on a PDF format
15 that specified in summary their concerns with those investigations, such as no
16 follow-up was conducted, no one was called out, no examinations were done, and
17 what have you. No interview with the suspect was done, etc, etc, etc. That in turn
18 was given to me as an overall broad spectrum complaint, it was initially given to
19 Brandon Luth, a Sergeant that worked for me, without my knowledge. (pp. 22-
20 23, Exhibit II42a)

21
22 Tucker was not sure whether he was on the admin IA side or the criminal IA side at the
23 time. He provided the progression as to what had occurred.

24
25 Here's kind of the progression, the case is initially given, when a Complaint
26 comes from El Mirage, the Complaint comes from Freeman to Steve Whitney,
27 Steve Whitney is told to investigate it. Steve Whitney gives it to a Lieutenant,
28 Hank Brandimarte. Hank Brandimarte calls in Kim Seagraves, says I need to talk
29 to you about all these cases that were not investigated. They were investigated
30 poorly. And Kim, in turn, makes an allegation to Hank Brandimarte that he
31 cannot investigate her because she has been sexually harassed by him. And then
32 that investigation stops and a sexual harassment investigation is conducted. That
33 investigation is given to Brandon Luth. Brandon Luth gets swamped with other
34 MACE cases and I get given the sex crimes case, IA case. (p. 23, Exhibit II42a).

35
36 There were basically two investigations that arose out of the Sex Crimes Unit in this
37 time frame, one a failure to properly investigate, and second, allegations by Kim
38 Seagraves that she had been sexually harassed by Lt. Brandimarte.

39
40 Tucker clarified that Hendershott had told him to stop the investigation, not close the
41 investigation, apparently with the idea that he could pick it up later. When Tucker
42 announced his retirement, he drove to Internal Affairs, and dropped the case off in the
43 Administrative Secretary's office. Tucker remembered that he was in Administrative IA
44 at the time that he began working on the case. He remembered thinking it somewhat
45 odd that he was told that he was going to be promoted to Captain, and that he was

1 going to go work for Terry Young, despite the fact that he was investigating Young's
2 wife. He talked about it with Chief Young, and it was agreed that Tucker was going to
3 be answering to Executive Scott Freeman. Young was insistent that Tucker not talk
4 with him about the case, and indeed Tucker never did talk with Terry Young about the
5 matter.

6
7 While we were on break between interviews, Tucker was able to find documentation
8 which reflects that the date he visited Wilenchik's office with Hendershott, and the date
9 that Hendershott told him to stop the Sex Crimes Unit investigation, was July 31, 2009.

10
11 Tucker indicated that he thereafter began working at Wilenchik's office, and was given a
12 separate area of the office. His assignment, per Hendershott, was to assist Wilenchik in
13 the defense of the county in an action that had been brought by Sandra Dowling.
14 Although his marching orders from Hendershott were to work out of Wilenchik's office,
15 he did not feel comfortable doing so because it did not seem to him that he was "really
16 invited" to be there. He never did get any instructions or requests from Wilenchik to
17 come to the office and explain anything.

18
19 Between July 31, 2009 and December 30, 2009, the effective date of his retirement, he
20 was off on sick time after surgery for a period of time, after he returned to work he was
21 still in fairly frequent contact with Scott Freeman and Bill Knight, because he was "kind
22 of waiting," given his assignment at Wilenchik's office, and wondering what he was
23 supposed to do. At one point he was told my Knight or Freeman they would approach
24 Hendershott to get clarification on his directions because he really did not have an
25 assignment at Wilenchik's office. He ultimately purchased his time back and retired.
26 (He had undergone surgery on June 9, 2009.) He took all 12 weeks of his FMLA,
27 meeting with Hendershott on July 31, 2009 was when he was coming in at a special
28 request while he was off on FMLA. Tucker indicated that after he submitted his notice
29 of retirement, he became a lame duck, and he was "moved into a closet until I
30 eventually left." (P.32, Exhibit 1142a)

31 32 Terry Young

33
34 Young indicated that he learned early on about the issues with the Sex Crimes
35 investigations that had been conducted by MCSO for El Mirage PD, because his wife
36 was the Sergeant over the Sex Crimes Unit at the time. His wife is Kim Seagraves,
37 whom he started to date toward the end of 2006 to early 2007, and married in March of
38 2008. He thought that the investigation may have started when she was a Sergeant,
39 and into the time she was Lieutenant, because she was a Lieutenant in District 4 when
40 she was interviewed by Bruce Tucker of IA. Terry indicated that because his wife was
41 involved, and given his position as the Deputy Chief over IA, he tried to steer clear of
42 the issue as much as possible. When asked if he had any discussion with Freeman,
43 Holmes or Hendershott relating to the status of the investigation, Young commented
44 that he knew that at some point IA had started an investigation, that Bruce Tucker was
45 the assigned investigator, and that Tucker was reporting to Chief Freeman, and not

1 through IA. Young indicated that he did not know that the investigation had been tabled
2 by Hendershott in 2009; rather, he thought that Tucker had the case the entire time, but
3 was assigned to other duties and the case was not completed because it was not a
4 priority.

5
6 Young knew that, upon Tucker's retirement in December of 2009, Tucker took the
7 boxes to the administrative Sergeant in IA and left them there. Again, Young says that
8 he did not know the investigation had been tabled or stopped; rather, he thought that
9 Tucker had been tied up with other things. (p. 3, Exhibit II45c)

10
11 We brought to Young's attention that, according Scott Freeman, after Tucker retired,
12 Freeman talked with Young and brought to his attention that there was an IA that
13 needed to be finished. Young remembers discussing with Freeman the fact that storing
14 the IA investigation at the IA offices was not the best place in the world, given Young's
15 position over IA as the Deputy Chief, although he understood that his wife was not a
16 principal, although she was a "party to the case." Scott Freeman did make it clear,
17 according to Young, in his review or preliminary review of the information, that there
18 were a number of cases that were not worked appropriately, and there were issues with
19 the quality of the work coming out of the Sex Crimes unit. Freeman did not specifically
20 identify this as arising from Kim Seagraves supervision.

21
22 When asked if he had any discussions with Chief Hendershott about the investigation,
23 he does believe he spoke with Chief Sheridan. Young indicated that he probably did
24 bring it up to Chief Hendershott, that something needed to be done with the case, but
25 he could not recall what was said in that conversation.

26
27 After Hendershott had gone out on medical leave in August 2010, Young advised
28 Sheridan of the existence of the investigation, and the need to get it resolved. Young
29 could not say whether or not this discussion with Sheridan occurred before or after the
30 present investigation by PCSO had commenced. In any event Sheridan agreed that the
31 case needed to be resolved. Young vaguely recalled that Sheridan wanted Captain
32 Holmes to review it and then brief Sheridan on the matter, but in any event, Sheridan
33 did absolutely agree that the case needed to be resolved in some fashion and not held
34 as open. When asked what he did with Sheridan's instructions, he thought he may
35 have discussed the matter with Captain Holmes, but he was unclear about this. Young
36 advises that he was trying to be very cautious about doing anything that would suggest
37 he had any involvement in the investigation.

38
39 Young was asked again about what conversations he had with Hendershott on the
40 issue. He suggested that he would have had a discussion similar to the one that he
41 would have had with Sheridan, but he simply does not have a specific memory of the
42 discussion. He does not deny, if he had a discussion with Hendershott, that there would
43 have been mention of Young's position as the Chief of IA, and that the investigation
44 should not be handled under IA, and that the case file should not be stored at IA.
45

1 Terry Young did recall that, he and Scott Freeman did discuss the fact that the criminal
2 trial of David Anthony was coming up, and that Kim Seagraves was the last case agent
3 on the matter. Scott did not suggest, according to Young, that there was concern about
4 proceeding with the IA, knowing that Kim was the Sergeant over the Detectives who
5 were involved, and who had apparently displayed some degree of incompetence in the
6 handling of, at least, the El Mirage sex crimes cases. He did not remember that issue
7 being tied into whether the IA was performed or not, or whether there was a possibility
8 that incompetence could be brought up that would affect Seagrave's credibility during
9 testimony in the David Anthony case.

10
11 Terry did acknowledge that he had some discussions with Bruce Tucker about the
12 investigation, when Bruce was assigned to work with him in the Organizational
13 Development Bureau. However, Terry did not ask about the case, and made every
14 effort to not involve himself in it. Bruce did relate, because of their long relationship and
15 history, however, he was interviewing Kim and other personnel. According to Young,
16 Tucker did not share that he thought that Kim had shared any responsibility in what had
17 taken place. Terry understood that it may have been a function of a lack of support and
18 resources, and just more work that there were detectives to do it.

19
20 Terry Young does not deny that he may have been asked about the case again by Ken
21 Holmes, and that Young indicated that he still needed to speak with Freeman about the
22 situation. Terry indicated that he made the decision to go to the Surprise Police
23 Department in September of 2010, and he was hired effective November 26, 2010.

24
25 Terry Young could not say whether or not Chief Hendershott had any input, after he
26 (Hendershott) spoke with Bruce Tucker and told him to stay the investigation, to
27 continue the investigation in a tabled mode.

28 29 **David Hendershott**

30
31 Hendershott recalls that Bruce Tucker had been the supervisor in IA, and was the
32 person most knowledgeable about the Sandra Dowling investigation. Dowling had filed
33 a lawsuit, and Dennis Wilenchik was defending the County. Hendershott recalls that
34 Bruce Tucker had been sent over to help Wilenchik with the County's defense.
35 Hendershott acknowledged that Freeman had started an Internal Affairs investigation
36 about what had occurred with the investigation by MCSO Sex Crimes Unit of cases
37 originating out of El Mirage. After this investigation started, Hendershott advises, Scott
38 Freeman came to Hendershott and indicated that there were several employees who
39 had not done their job correctly, that "this was the tip of the iceberg," and that there
40 were a great number of other cases that MCSO had not handled properly. Freeman
41 asked if he could dig into the situation and work it out. (p. 5, Exhibit II16g) As
42 Hendershott put it, Freeman "found a rat's nest" in the Sex Crimes Unit and there were
43 a significant number of cases that had not been handled appropriately. Hendershott
44 claims that the administrative investigation was taken out of IA's (Tuckers') hands, and
45 that Freeman was going to handle it "in his house." Hendershott indicated that as of the

1 time he went out on medical leave in 2010, the investigation was still underway. He
2 thought that the investigation "may be still underway today because it was very large,
3 very large problem that had to be fixed." (p. 5, Exhibit II16g)

4 Hendershott indicated that he would have known about the IA investigation before
5 Bruce Tucker would have mentioned it to him, when they were driving back from
6 Wilenchik's office. Hendershott indicated that this was when the investigation was
7 going to be handled by Scott Freeman, and Hendershott basically asked him if he would
8 stay in Wilenchik's office and work on the Dowling case.

9
10 Hendershott acknowledged that Tucker may have been transferred to the chain of
11 command that had oversight over the Sex Crimes Unit, he seems to recall that Tucker
12 had been transferred from IA to the Sex Crimes Unit (actually GID) at Tucker's request
13 before the investigation started, as he recalled. According to Hendershott, Tucker had
14 requested the transfer because of family issues. As Hendershott put it,

15
16So he went down there and then by him having this, and that kind of melted
17 with Scott's issue that it was a bigger thing but you know, he asked to leave he
18 wasn't transferred to hide this investigation but it was, you know in other words, I
19 let Scott take it because it was, it basically was systemic throughout his Detective
20 bureau that he had problems with guys, late supplements, not doing supplements,
21 not turning in reports, not following up on leads and so you know he did a lot of
22 work to fix that. But Tucker asked to go and that was it. And you know I'm very
23 surprised that Tucker would put it in this vein, that it was something negative, it
24 just to me sounds very odd that he would say something like that. (p. 6, Exhibit
25 II16g)
26

27
28 When advised that Tucker had had this conversation with Hendershott in early 2009,
29 and that when he retired toward the end of 2009 he turned his box of materials on the
30 sex crimes investigations, Hendershott said that by that time it was "Scott's (Freeman's)
31 football," and he does not doubt that Tucker may have turned over his files.

32
33 Hendershott went on to state the following.

34
35The thing is we are, this investigation is leading towards a Chief's wife by the
36 name of Kim Seagraves, okay, and I can tell you this investigation isn't over. I
37 mean as far as I'm concerned but because it was so massive, now I don't what
38 else to tell you but that information shouldn't be lost okay wherever the
39 information is but you know and then I believe when this investigation was
40 underway I don't think Terry Young and Kim Seagraves were married now they
41 were married that further complicated things because it couldn't, because Terry
42 couldn't do it because he was over IA I believe and so we had to figure out a way
43 to bifurcate it. As a matter of fact I did meet directly with Captain Ken Holmes
44 and had a direct conversation with him that he was to report directly to me on this

1 internal so if I would assume that Ken and Scott Freeman are working this thing.
2 (pp. 6-7, Exhibit III16g)

3
4 Hendershott thought that there was a significant question about how MCSO IA was
5 going to conduct an internal investigation on a Chief's wife when that Chief was over
6 Internal Affairs. As a result, it was turned over to Freeman. When asked if Hendershott
7 had ever received any reports back from Scott Freeman about that status and findings
8 of the investigation, Hendershott's response was, "No, he was still working on it, he was
9 still working on it when I left for surgery" in August of 2010. Hendershott denied having
10 any direct knowledge as to what interviews had been conducted or what problems had
11 been identified. When asked if he had ever received any documentation whatsoever
12 from Scott Freeman evidencing that there had been some investigation done,
13 Hendershott denied any recollection of receiving documentation, but Freeman would
14 come in from time to time and say "We're still working on this, we're still working on
15 that...." (p. 8, Exhibit II16g)

16
17 Hendershott acknowledged that the new Chief of the El Mirage Police Department was
18 upset about the investigations that had been conducted by MCSO, and as Hendershott
19 put it, "he was absolutely right."

20
21 Hendershott was informed that Tucker had received the assignment to conduct the IA
22 investigation in 2008. Hendershott was informed that the IA number assigned was, in
23 fact, 08-0080. Hendershott was further informed that after he (Hendershott) was placed
24 on leave, in connection with the present investigation, the IA investigation relating to El
25 Mirage Sex Crimes had recommenced, because nothing had been done. Hendershott's
26 response was as follows.

27
28 A: I'm glad something's going on but as far as how the investigation was
29 handled, you need to talk to Holmes, you need to talk to Scott Freeman, and you
30 know, I don't individually, you know Scott Freeman is a big boy, okay and Scott
31 Freeman will clean up his house. Ken Holmes is an attorney and he certainly
32 knows how to move it along. They both talk to each other. But you know the
33 issue of resolving the bigger problem doesn't you know and then I don't, you
34 know there might be other issues along the way that had something to do with
35 how do we do this because, because of the involvement, there was some issues
36 between Brandimarte and Seagraves as I recall because apparently there was bad
37 blood between them or something so Brandimarte was initially assigned to
38 investigate and then Seagraves made a complaint that he had a conflict and so you
39 know these are small things that I remember but if you're talking about the length
40 of the investigation, you know if you talk to Scott if you talk to Holmes, they
41 could probably put together the timeline as to what was done. (p. 10, Exhibit
42 III16g)

43
44 When it was pointed out to Hendershott that it had been two years since the
45 investigation had commenced he agreed that it was a long time, but added "We've had

1 longer investigations though. But you know the issue is when you have that many
2 cases involved and you got to find out what happened it's not easy but its, there's a lot
3 of moving parts in that." When asked if Hendershott felt, given the circumstances, that it
4 would have been appropriate to give consideration to having Seagraves, Brandimarte
5 and Whitney identified as principals, Hendershott deferred to Freeman, saying,
6 "Freeman would have to tell you that because he's the one that knows, I couldn't tell
7 you what the specifics are. Freeman thought that they were principals. I do know, I
8 think that they felt, definitely that Seagraves was, had an issue. I do know that for a
9 fact." (p. 11, Exhibit II16g) Hendershott further explained that the last two years he has
10 been tied up with other matters, and has not been involved in any pre-termination
11 hearings, because he has not had the time.

12
13 Hendershott commented that he was fairly confident that Seagraves and Brandimarte
14 knew that they were under investigation because Seagraves had complained about
15 Brandimarte. Hendershott thought that, initially, Brandimarte was going to be assigned
16 to investigate the matter, but then Seagraves complained about Brandimarte (relating to
17 sexual harassment), and then there was "something about the conflict with Terry
18 Young." Hendershott went on to say that subsequently, "it was kind of a combination
19 Scott and Holmes needed to work together and figure out how to move this thing
20 forward." The problem with Terry Young was that he was either dating or had married
21 Seagraves, and Young was the Deputy Chief over Internal Affairs. Hendershott said
22 that he let Terry Young know that he was going to be cut out of the loop on the
23 investigation and "that's the way I left it." (p. 12, Exhibit II16g)

24
25 Hendershott then claimed that there were two investigations underway (which differed
26 from his earlier account that the matter had been turned over entirely to Freeman), what
27 the team had characterized as a "remedial" investigation (or audit), to basically fix the
28 problems that had been created by the deficient sex crimes investigations; and an
29 Internal Affairs or divisional investigation that would determine whether the Detectives
30 had followed policy, and whether the supervision of the Detectives had been adequate.
31 When asked if both kinds of investigations were underway, Hendershott answered in
32 the affirmative. He then indicated that it was an "open investigation" in IA because Scott
33 Freeman wanted to deal with it in his area. He indicated that the IA was "intertwined
34 with harassment complaints about Brandimarte," and "all little things along the way that
35 had to be cleared up so we could proceed," presumably, with the IA investigation about
36 the conduct of the detectives and their supervisors.

37
38 Hendershott acknowledged that as the Dowling case was heating up, Seagraves was
39 one of the investigators on the Dowling case. The following case took place during the
40 investigative interview.

41
42 CASHMAN: Yeah, I'm trying to get my mind around this Chief, Seagraves, you
43 said that the Dowling case was starting to heat up, was Seagraves one of the
44 investigators of the Dowling case?
45

MCSO Investigation No. M081710, Principals: Hendershott, Black and Fox
Report of Administrative Investigation by PCSO
April 11, 2011

1 A: It seems to me now that you said that, I think she was and there were some
2 issues that Tucker because they hadn't been completed correctly or something, or
3 something that she was a part of, now that you say that. But as to the detail of
4 that I don't remember. But there was an issue, there was a piece missing that she
5 was supposed to have taken care of.

6
7 Q: On the Dowling case?

8
9 A: I think so yeah.

10
11 Q: Per Tucker? In other words, that's what Tucker...

12
13 A: Well Tucker ran it so she would have worked under, you know in his area.
14 But it seems to me now that you said that, there was something that, that was kind
15 of hanging out there that she didn't complete. I think that was the whole issue
16 was that she had problems following up on these investigations. (p. 14, Exhibit
17 II16g)

18
19 Hendershott denied that there was any concern about conducting a full blown IA
20 investigation of Seagraves' conduct, with respect to the Sex Crimes investigations, in
21 light of the fact that she was a key witness as one of the investigators in the Dowling
22 case. Hendershott claimed that Bruce Tucker was the Detective with all of the
23 knowledge in the Dowling case, and that she had only "a corner of the investigation."
24 He denied that there were any concerns about an investigation of Seagraves'
25 investigative and supervisory abilities, with respect to Sex Crimes cases, would have
26 affected the outcome and the credibility of the Dowling investigation. He did
27 acknowledge that "plaintiff's counsel would probably make an issue of that." (p. 15,
28 Exhibit II16g)

29
30 Hendershott suggested that there was a "bottle neck" with one single secretary's desk
31 "holding up the entire offering of getting stuff to Detectives," and documentation
32 accumulated that needed to be entered. He was asked whether the problem was more
33 than just a secretary, and rather it was a situation involving Detectives not doing their
34 jobs, Hendershott's response was as follows.

35
36 A: You know the problem is here is that the Detectives, the Sergeants should
37 have picked it up because the Detectives well the Detective Sergeants, it's kind of
38 like hiding the football, the Detective Sergeant who is over those guys should
39 have gone to the patrol counterpart and said what's the deal, why is this case, why
40 is this case arriving? They could have worked this case and frankly in all honesty
41 maybe they did. Maybe they said why is this taking so long and then the Sergeant
42 you know, but you know and I will tell you when I was in patrol you didn't even
43 think about going home till your paperwork was done. I mean it was like, it
44 didn't happen and somewhere that morphed to where well if you get around to it

1 next week you know and so that's why we had to turn the whole culture around.
2 (pp. 35-36, Exhibit II16g)
3

4 It was pointed out to Hendershott, during the interview, that Hendershott had earlier
5 described how Scott Freeman and Don Schneidmiller were working with Munnell to
6 "dethrone" him, according to the information that Janice Munnell had provided (which
7 Hendershott said that he accidentally erased on the tape). It was also pointed out that
8 Hendershott had entrusted Scott Freeman to clean up what was a significant systemic
9 issue with the Sex Crimes investigations. Hendershott acknowledged that he did not
10 think that Scott Freeman would try to overthrow him. He had full faith and confidence
11 that Freeman would handle this systemic issue with the Sex Crimes investigations.
12 Freeman never briefed Hendershott and indicated that the matter had been completely
13 handled, but he did brief Hendershott about the progress that was being made.
14 Hendershott acknowledged that he had heard that Seagraves had possibly dropped the
15 ball and was not properly attending to her duties in connection with these investigations,
16 but he was not sure whether he heard it from Tucker first. As Hendershott put it, "I
17 knew she was considered to be part of the problem but she couldn't have been the big
18 problem..." (p. 37, Exhibit II16g)
19